

BILL NO. 29 -2008

AN ORDINANCE

I, LINDA A. KELLEHE, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 29 day of March A. D. 2008. Witness my hand and seal of the said City this 29 day of March A. D. 2008.

CITY CLERK

AMENDING CHAPTER 21 STREETS AND SIDEWALKS OF
THE CITY OF READING CODIFIED ORDINANCES

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Chapter 21 entitled Streets and Sidewalks is amended as follows:

Part 3 Curb, Driveway, Sidewalk and Sidewalk Vault Standards and Fees Section 313 Penalty Costs (§21-313) shall be amended to read in its entirety as follows:

Any person, firm or corporation who breaks or cuts in any manner the surface of any sidewalk, removes curbing and/or sidewalk or does construction between the building and curb line of any street in the City without having first obtained the proper permit, or who violates any of the requirements of this Part, shall upon conviction of a *summary offense* thereof, be sentenced to pay a fine of *not less than \$100 and* not more than \$1,000 plus costs or, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day in which a violation shall occur or continue may be deemed a separate offense. In addition to the penalties provided herein, the City may recover attorney's fees, court costs and other expenses of litigation by appropriate suit at law against the person found to have violated this Part or the orders, rules, regulations and permits issued hereunder. *The City at its discretion may seek to recover any expenses it incurred to correct any violation of this Part by restitution as part of prosecution of any person, firm or corporation as a summary offense under this provision or through the commencement of the appropriate alternative legal action to recover such expenses including but not limited to filing of a lien.*

Part 5 Sidewalks and Curb Section 501 Permit Required for Curbs and Sidewalk Work (§21-501) shall be amended to read in its entirety as follows:

No person, firm or corporation shall set any curbing, set any building, open any sidewalk, lay new sidewalk or relay old sidewalk or construct any vault under a sidewalk, until a permit

has been obtained from the Director of the Department of Public Works *or his/her designee*. The Director *or his/her designee* is authorized and directed to establish such rules and regulations, as s/he deems necessary, for the proper control of the operations permitted relative to the issuance of such permit, subject to the approval of Council.

Part 5 Sidewalks and Curb Section 502 Permit Application (§21-502) shall be amended to read in its entirety as follows:

Any applicant for a curb and sidewalk work permit shall first make written application to the Director of Public Works *or his/her designee* for a permit, setting forth the location where such work is desired and the purpose thereof.

Part 5 Sidewalks and Curb Section 505 Notice to Recurb and Relay Sidewalks (§21-505) shall be amended to read in its entirety as follows:

It shall be the duty of the owners of lots or real estate abutting any street or alley to recurb, repave or relay the sidewalks whenever authorized by Council *or* when required upon notice from the Director of Public Works *or his/her designee*.

Part 5 Sidewalks and Curb Section 508 Duty of Owner to Construct and Repair at Own Expense (§21-508) shall be amended as follows:

§21-508. Duty of Owner

- A. *Owners of property abutting on any public street shall, at their own expense, construct, pave, curb, repave and recurb the sidewalks such property.*
- B. *Owners of property abutting on any public street shall, at their own expense keep sidewalks along such property in proper good repair in accordance with City standards and maintained free from hazardous conditions.*

Part 5 Sidewalks and Curb Section 509 Work by City for Failure to Comply with Notice (§21-509) shall be amended to read in its entirety as follows:

Upon failure of any owner(s) to construct, pave, curb, repave or recurb sidewalks, keep the same in good repair and maintain free from hazardous conditions within 10 days after written notice by

the Director of the Department of Public Works or his/her designee the work *may* be done forthwith by the City of Reading, and the expense thereof, with costs, shall be levied and collected from such owners according to law. *Nothing in this section shall preclude the Director of the Department of Public Works or his/her designee from undertaking enforcement of this Ordinance as provided for in Section 21-516.*

Part 5 Sidewalks and Curb Section 510 Cost Collection by Action at Law or Filing Lien (§21-510) shall be amended to read in its entirety as follows:

The amount of expense so levied shall be a lien upon such premises from the time of the commencement of the work by the City. Such date shall be fixed by the Director of Public Works and filed with the City Clerk, and may be collected by action at law or a lien may be filed and proceeded in according to law. *Nothing in this section shall preclude the Director of the Department of Public Works or his/her designee from seeking recover of expenses incurred construct, pave, curb, repave, recurb, restore to good repair or remove hazardous condition as restitution through enforcement of this Ordinance as provided for in Section 21-516.*

Part 5 Sidewalks and Curb Section 516 Penalty (§21-516) shall be renamed and amended to read in its entirety as follows:

§21-516 Administrative Provisions

- A. **Regulations** - *The Director of the Department of Public Works may promulgate such regulations as are necessary for the proper administration and enforcement of this Part. The City may change, modify, repeal or amend any portion of said regulations at any time.*
- B. **Enforcement** - *The authority of enforcement of this part is under the jurisdiction of the City of Reading Department of Public Works. The Department of Public Works is hereby authorized to share enforcement of this provision with the Codes Enforcement Division as needed.*
- C. **Prosecution of Violations** - *Any person who shall violate a provision of the Ordinance, or who shall fail to comply with any of the requirements thereof or any notice to correct shall, upon conviction be guilty of a of a summary offense*

before any District Justice. Such offense shall be one of strict liability. As part of the prosecution of such offense, the enforcing authority may seek as restitution any funds incurred by the City of Reading to correct a violation. Each day that a violation continues shall be deemed a separate offense. In addition if the notice to construct, pave, curb, repave, recurb, keep in good repair or remove hazardous conditions is not complied within the time given, the authority with enforcement power shall institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation. Nothing in this section shall preclude the City of Reading from charging against the property abutting the sidewalk by placement of lien thereon for any costs incurred by the City to correct such offense.

D. Penalties

- 1. Any person who shall violate any provision of this Part, shall, upon conviction, be sentenced to pay a fine of not less than One Hundred Dollars (\$100) and not more than One Thousand Dollars (\$1000), plus costs or in default of payment of said fine and costs to imprisonment for a term of not to exceed ninety (90) days.*
- 2. Any person who violations any provision of §21-514 shall upon conviction, be sentenced to pay a fine of not less than Two Hundred Fifty Dollars (\$250) and not more than One Thousand Dollars (\$1000), plus costs, or in default of payment of said fine and costs, to a term of imprisonment not to exceed ninety (90) days. Further, any such person shall forthwith remove or cause to be removed violation of §21-514.*

SECTION 2: All relevant ordinances, regulations, remaining sections of Chapter 21 Streets and Sidewalks Ordinance and policies of the City of Reading, Pennsylvania not amended hereby shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted

March 25, 2008

Council President

Attest:

City Clerk

(PUBLIC WORKS AND LAW)

Submitted to Mayor:

Date: 3/25/08

Received by the Mayor's Office:

Date: 3-25-08

Approved by Mayor:

Date: 3/25/08

Vetoed by Mayor:

Date: